HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No.24158 OF 2003

Dated 28-01-2006

Between :

M/S Sri Krishna Granites represented by its Managing Partner Sri M.V. Ramana Reddy, son of Vanna Reddy, Occupation : Business, resident of D. No.121-289-A-3, Arvindanagar, Anantapur, Anantapur District.

….Petitioner.

And :

1. The Director of Mines and Geology, A.P., B.R.K.R. Buildings, Tank Bund Road, Hyderabad and others.

…Respondents.

ORDER :

This writ petition has been filed by M/s, Sri Krishna Granities represented by its Managing Partner Sri M.V. Ramana Reddy assailing the proceedings No.4898/Q1/2002, dated 7-11-2003 issued by the Deputy Director of Mines and Geology, Kurnool - 2nd respondent, granting renewal quarry lease for road metal and building stone in Sy. 285 over an extent of 3.600 hectors of Bodiganidoddi village Bukkarayasamudram Mandal, Anantapur District, as illegal, arbitrary and contrary to A.P. Minor Mineral (Concession) Rules, 1966.

2. The grievance of the petitioner is that he filed an application for granting of the lease for Cubes and Kerbs over the same area and therefore, the Deputy Commissioner ought not to have proceeded for the renewal of the lease for road metal since the lease has already been granted for cubes and Kerbs in the year 1999. He further submits that when a lease of the area for cubes and kerbs has been granted by the Deputy Director of Mines and Geology, the same came to be questioned by the petitioner by filing the writ petition No.22249 of 1999 and the said

writ petition came to be allowed on 27-10-2001 setting aside the order of the Deputy Director and remanding the matter for fresh consideration with regard to the claims made by the petitioner as well as the 4th respondent.

3. Learned Government Pleader for Mines and Geology appearing for the respondents 1 to 3 submits that there is a forum available to the petitioner to challenge the proceedings issued by the 2nd respondent under the provisions of A.P. Mineral (Concession) Rules, 1966 and since the petitioner invoked the extraordinary jurisdiction of this Court without exhausting the statutory remedy, the writ petition is liable to be dismissed in limine.

4. Heard the learned counsel for the parties.

5. Rule 35 of the A.P. Mineral (Concession) Rules, 1966 an appeal is provided to the aggrieved party to challenge the order passed by the Assistant Director or Deputy Director or Joint Director within a period of two months. Since the statutory forum is available to the petitioner, he has to exhaust the remedy before invoking the extraordinary jurisdiction of this Court under Rule 226 of the Constitution of India.

6. Giving liberty to the petitioner to file appeal as provided under section 35 of the A.P. Minor Mineral (Concession) Rules, 1966, this writ petition is disposed of. The petitioner shall file an appeal before the statutory forum within a month from today.

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Justice B.Seshasayana Reddy

Dated 28-01-2006

Dvs

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